

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

10CV 6528
Cote

~~DEMANDER~~ MOVANT

Algonquin Gas Transmission, LLC

~~DEFENDANT~~ RESPONDENTS

Boston Generating, LLC; EGB Holdings LLC; Fore River Development, LLC; Mystic I, LLC; Mystic Development, LLC; BG New England Power Services, Inc.; and BG Boston Services, LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Dewey & LeBoeuf LLP, Attn: Irena M. Goldstein, 1301 Avenue Latham & Watkins LLP, Attn: D.J. Baker, 885 Third Avenue, of the Americas, New York, NY 10019, Tel: (212) 259-8000 New York, New York 10022, Tel: (212) 906-1200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Withdrawal of reference from U.S. Bankruptcy Court for the Southern District of New York pursuant to 28 U.S.C. § 157(d)

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date & Case No.

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

10-14419 # 85 9/1/10 - 1/2/10

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY		
[] 110 INSURANCE	[] 310 AIRPLANE	[] 810 AGRICULTURE	[] 422 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 820 OTHER FOOD & DRUG	28 USC 158	REAPPORTIONMENT
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 825 DRUG RELATED SEIZURE OF PROPERTY	X [] 423 WITHDRAWAL	[] 410 ANTI-TRUST
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	21 USC 881	28 USC 157	[] 430 BANKS & BANKING
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 830 LIQUOR LAWS	PROPERTY RIGHTS	[] 450 COMMERCE
[] 161 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 840 RR & TRUCK	[] 820 COPYRIGHTS	[] 460 DEPORTATION
[] 162 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 850 AIRLINE REGS	[] 830 PATENT	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 163 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 880 OCCUPATIONAL SAFETY/HEALTH	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
[] 180 STOCKHOLDERS SUITS	[] 380 OTHER PERSONAL INJURY	LABOR	SOCIAL SECURITY	[] 480 CABLE/SATELLITE TV
[] 180 OTHER CONTRACT		[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)	[] 810 SELECTIVE SERVICE
[] 195 CONTRACT PRODUCT LIABILITY		[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 196 FRANCHISE		[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 863 DIWC/DIWW (405(g))	[] 875 CUSTOMER CHALLENGE
		[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	12 USC 3410
		[] 790 OTHER LABOR LITIGATION	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS
		[] 791 EMPL RET INC SECURITY ACT	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
REAL PROPERTY	CIVIL RIGHTS	IMMIGRATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 892 ECONOMIC STABILIZATION ACT
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 462 NATURALIZATION APPLICATION	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 483 HABEAS CORPUS-ALIEN DETAINEE	26 USC 7809	[] 894 ENERGY ALLOCATION ACT
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ACCOMMODATIONS	[] 485 OTHER IMMIGRATION ACTIONS		[] 895 FREEDOM OF INFORMATION ACT
[] 240 TORTS TO LAND	[] 444 WELFARE			[] 896 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT			[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 290 ALL OTHER REAL PROPERTY	[] 448 AMERICANS WITH DISABILITIES - OTHER			
	[] 440 OTHER CIVIL RIGHTS			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER Withdrawal

JUDGE _____

DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

MOVANT

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Algonquin Gas Transmission, LLC
5400 Westheimer Court
Houston, Harris County, TX 77056

RESPONDENTS

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Each respondent's address is as follows:

505 Fifth Avenue, 21st Floor
New York, New York County, NY 10017

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:
(DO NOT check either box if this a PRISONER PETITION.)

☐ WHITE PLAINS

☒ MANHATTAN

DATE 9/1/2010 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. May Yr. 1991)
Attorney Bar Code #2415362

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)